



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

PROCEEDINGS

OF THE

American Society of International Law

AT ITS

SIXTH ANNUAL MEETING

HELD AT

WASHINGTON, D. C.

APRIL 25-27, 1912

BYRON S. ADAMS, PRINTER
Washington, D. C.
1912

COPYRIGHT, 1912, BY
THE AMERICAN SOCIETY OF INTERNATIONAL LAW.

OFFICERS
OF THE
AMERICAN SOCIETY OF INTERNATIONAL LAW
FOR THE YEAR 1912-1913.

HONORARY PRESIDENT

HON. WILLIAM H. TAFT

PRESIDENT

HON. ELIHU ROOT

VICE-PRESIDENTS

| | |
|------------------------|-------------------------|
| CHIEF JUSTICE WHITE | HON. JOHN W. GRIGGS |
| JUSTICE WILLIAM R. DAY | HON. WILLIAM W. MORROW |
| HON. P. C. KNOX | HON. RICHARD OLNEY |
| MR. ANDREW CARNEGIE | HON. HORACE PORTER |
| MR. JOSEPH H. CHOATE | HON. OSCAR S. STRAUS |
| HON. JOHN W. FOSTER | HON. SHELBY M. CULLOM |
| HON. GEORGE GRAY | HON. JACOB M. DICKINSON |
| HON. JAMES B. ANGELL | |

EXECUTIVE COUNCIL

TO SERVE UNTIL 1913

| | |
|----------------------------------|------------------------------------|
| Hon. Augustus O. Bacon, Georgia | Everett P. Wheeler, Esq., New York |
| Hon. Frank C. Partridge, Vermont | Hon. Edwin Denby, Michigan |
| Prof. Leo S. Rowe, Pennsylvania | Alpheus H. Snow, Esq., D. C. |
| F. R. Coudert, Esq., New York | Prof. William R. Manning, Texas |

TO SERVE UNTIL 1914

| | |
|------------------------------------|---------------------------------------|
| Hon. Richard Bartholdt, Missouri | Rear Admiral Chas. H. Stockton, D. C. |
| Gen. George B. Davis, D. C. | Charles B. Warren, Esq., Michigan |
| Prof. Charles Noble Gregory, D. C. | Hon. John S. Williams, Mississippi |
| Hon. A. J. Montague, Virginia | Prof. Theo. S. Woolsey, Connecticut |

TO SERVE UNTIL 1915

| | |
|-----------------------------------|-------------------------------------|
| C. P. Anderson, Esq., New York | Prof. John B. Moore, New York |
| Charles Henry Butler, Esq., D. C. | Jackson H. Ralston, Esq., D. C. |
| Prof. Geo. W. Kirchwey, New York | James Brown Scott, Esq., D. C. |
| Robert Lansing, Esq., New York | Prof. Geo. G. Wilson, Massachusetts |

EXECUTIVE COMMITTEE

| | |
|--------------------------|--------------------------|
| HON. ELIHU ROOT | ROBERT LANSING, ESQ. |
| HON. GEORGE GRAY | PROF. JOHN BASSETT MOORE |
| PROF. GEORGE W. KIRCHWEY | PROF. GEORGE G. WILSON |
| HON. OSCAR S. STRAUS | |

EX-OFFICIO

HON. JOHN W. FOSTER, CHAIRMAN
 JAMES BROWN SCOTT, RECORDING SECRETARY
 CHARLES HENRY BUTLER, CORRESPONDING SECRETARY
 CHANDLER P. ANDERSON, TREASURER

EDITORIAL BOARD

OF THE

AMERICAN JOURNAL OF INTERNATIONAL LAW

JAMES BROWN SCOTT, EDITOR-IN-CHIEF

| | |
|-----------------------|--------------------|
| Chandler P. Anderson | George W. Kirchwey |
| Charles Noble Gregory | Robert Lansing |
| Amos S. Hershey | John Bassett Moore |
| Charles Cheney Hyde | George G. Wilson |
| Theodore S. Woolsey | |

GEORGE A. FINCH, BUSINESS MANAGER

 COMMITTEES

Standing Committee on Selection of Honorary Members: George G. Wilson, Chairman; Jackson H. Ralston, Theodore S. Woolsey.

Standing Committee on Increase of Membership: James Brown Scott, Chairman; Charles Cheney Hyde, John H. Latané, Jesse S. Reeves, Theodore S. Woolsey.

Auditing Committee: Alpheus H. Snow, William C. Dennis.

Committee on Codification: Elihu Root, Chairman, *ex-officio*; Chandler P. Anderson, Charles Henry Butler, Lawrence B. Evans, Charles Noble Gregory, Robert Lansing, Paul S. Reinsch, Leo S. Rowe, James Brown Scott, George G. Wilson.

Committee on Publication of Proceedings: George A. Finch, Otis T. Cartwright.

Committee on Seventh Annual Meeting: James Brown Scott, Chairman; Clement L. Bouvé, Charles Noble Gregory, Charles Cheney Hyde, Robert Lansing, Alpheus H. Snow, George G. Wilson.

TABLE OF CONTENTS.

| | |
|--|-----|
| OFFICERS FOR THE YEAR 1912-1913 | V |
| CONSTITUTION OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW..... | VII |
| REPORT OF THE SIXTH ANNUAL MEETING | 1 |

FIRST SESSION

Thursday, April 25, 1912, at 8 o'clock p. m.

| | |
|---|----|
| Opening remarks of the President of the Society | 1 |
| The real significance of the Declaration of London. Hon. Elihu Root..... | 4 |
| Some considerations on the past, present and future of international law. Professor Pasquale Fiore | 15 |
| The international regulation of ocean travel. Hon. Everett P. Wheeler.. | 36 |

SECOND SESSION

Friday, April 26, 1912, at 10 o'clock a. m.

| | |
|--|--------|
| Humanitarian diplomacy of the United States. Hon. Oscar S. Straus..... | 45 |
| Remarks: Mr. Everett P. Wheeler | 54 |
| Professor Theodore P. Ion | 54, 56 |
| Mr. Christian L. Lange | 55 |
| Mr. Theodore Marburg | 56 |
| Mr. Joseph Wheless | 57 |
| Revision of arbitral awards. Hon. Joaquin D. Casaus..... | 59 |
| Remarks: Mr. Frederic D. McKenney | 63 |
| The Monroe Doctrine and International Law. Hon. Luis Anderson..... | 72 |

| | |
|---|----|
| MEETING OF THE EXECUTIVE COUNCIL, <i>Friday, April 26, 1912, 2:30 o'clock</i> <i>p. m.</i> | 83 |
|---|----|

THIRD SESSION

Friday, April 26, 1912, at 8 o'clock p. m.

| | |
|---|-----|
| The question of the general arbitration treaties. Hon. George Turner.... | 87 |
| General arbitration treaties. Hon. Richard Olney..... | 102 |
| Remarks: Mr. Jackson H. Ralston | 106 |
| Mr. W. C. Dennis | 112 |
| The codification of the laws of naval warfare. Rear Admiral Charles H. Stockton | 115 |
| The effects of war upon international conventions and upon private con- tracts. Major-General George B. Davis..... | 124 |

| | |
|--|-----|
| The Marine belt and the question of territorial waters. Mr. Thomas | |
| Willing Balch | 132 |
| Remarks: Mr. Edwin M. Borchard | 139 |

FOURTH SESSION

Saturday, April 27, 1912, at 10 o'clock a. m.

| | |
|---|-----|
| A permanent court of international justice. Mr. James L. Tryon..... | 144 |
| The need of revision of procedure before international courts of arbitration. | |
| Mr. Robert Lansing | 158 |
| Remarks: Dr. Benjamin F. Trueblood | 167 |
| A permanent court of international justice. Hon. Everett P. Wheeler.... | 171 |
| Remarks: Mr. Christian L. Lange | 176 |
| The organization and procedure of the Third Hague Conference. Hon. | |
| Henry White | 178 |
| Remarks: Mr. W. M. Collier | 187 |
| Professor Theodore P. Ion..... | 188 |
| Mr. Denys P. Myers | 188 |
| Business Meeting | 189 |
| Election of officers | 189 |
| Selection of honorary member | 190 |
| Resolution concerning international conference on regulation of ocean | |
| traffic | 191 |
| Report of Committee on Codification | 192 |

| | |
|---|-----|
| MEETING OF THE EXECUTIVE COUNCIL, <i>Saturday, April 27, 1912, 4:20 o'clock</i> | |
| <i>p. m.</i> | 194 |

ANNUAL BANQUET

| | |
|---|-----|
| Remarks of Mr. Frederic R. Coudert, <i>Toastmaster.</i> .197, 206, 213, 219, 226, 229 | |
| Responses: | |
| Hon. Henry Cabot Lodge | 200 |
| Hon. George Gray | 208 |
| Hon. William Sulzer | 214 |
| Hon. Robert L. Borden | 221 |
| Mr. Christian L. Lange | 227 |

REPORTS OF THE TREASURER :

| | |
|-----------------------|-----|
| 1911 | 230 |
| 1912 | 233 |
| LIST OF MEMBERS | 236 |

CONSTITUTION
OF THE
AMERICAN SOCIETY OF INTERNATIONAL LAW.¹

ARTICLE I.

Name.

This Society shall be known as the AMERICAN SOCIETY OF INTERNATIONAL LAW.

ARTICLE II.

Object.

The object of this Society is to foster the study of International Law and promote the establishment of international relations on the basis of law and justice. For this purpose it will co-operate with other societies in this and other countries having the same object.

ARTICLE III.

Membership.

Members may be elected on the nomination of two members in regular standing by vote of the Executive Council under such rules and regulations as the Council may prescribe.

Each member shall pay annual dues of five dollars and shall thereupon become entitled to all the privileges of the Society, including a copy of the publications issued during the year. Upon failure to pay the dues for the period of one year a member may, in the discretion of the Executive Council, be suspended or dropped from the rolls of membership.

Upon payment of one hundred dollars any person otherwise entitled

¹The history of the origin and organization of the American Society of International Law can be found in the Proceedings of the First Annual Meeting, at p. 23.

The Constitution was adopted January 12, 1906.

to membership may become a life-member and shall thereupon become entitled to all the privileges of membership during his life.

A limited number of persons not citizens of the United States and not exceeding one in any year, who shall have rendered distinguished service to the cause which this Society is formed to promote, may be elected to honorary membership at any meeting of the Society on the recommendation of the Executive Council. Honorary members shall have all the privileges of membership, but shall be exempt from the payment of dues.

ARTICLE IV.

Officers.

The officers of the Society shall consist of a President,² nine or more Vice-Presidents, the number to be fixed from time to time by the Executive Council, a Recording Secretary, a Corresponding Secretary, and a Treasurer, who shall be elected annually, and of an Executive Council composed of the President, the Vice-Presidents, *ex-officio*, and twenty-four elected members, whose term of office shall be three years, except that of those elected at the first election, eight shall serve for the period of one year only and eight for the period of two years, and that any one elected to fill a vacancy shall serve only for the unexpired term of the member in whose place he is chosen.

The Recording Secretary, the Corresponding Secretary and the Treasurer shall be elected by the Executive Council from among its members. The other officers of the Society shall be elected by the Society, except as hereinafter provided for the filling of vacancies occurring between elections.

At every annual election candidates for all the offices to be filled by the Society at such election shall be placed in nomination by a Nominating Committee of five members of the Society previously appointed by the Executive Council, except that the officers of the first year shall be nominated by a committee of three appointed by the Chairman of the meeting at which this Constitution shall be adopted.

All officers shall be elected by a majority vote of members present and voting.

All officers of the Society shall serve until their successors are chosen.

²See *Amendments*, Article I, p. x.

ARTICLE V.

Duties of Officers.

1. The President shall preside at all meetings of the Society and of the Executive Council and shall perform such other duties as the Council may assign to him. In the absence of the President at any meeting of the Society his duties shall devolve upon one of the Vice-Presidents to be designated by the Executive Council.

2. The Secretaries shall keep the records and conduct the correspondence of the Society and of the Executive Council and shall perform such other duties as the Council may assign to them.

3. The Treasurer shall receive and have the custody of the funds of the Society and shall disburse the same subject to the rules and under the direction of the Executive Council. The fiscal year shall begin on the first day of January.

4. The Executive Council shall have charge of the general interests of the Society, shall call regular and special meetings of the Society and arrange the programmes therefor, shall appropriate money, shall appoint from among its members an Executive Committee and other committees and their chairmen, with appropriate powers, and shall have full power to issue or arrange for the issue of a periodical or other publications, and in general possess the governing power in the Society, except as otherwise specifically provided in this Constitution. The Executive Council shall have the power to fill vacancies in its membership occasioned by death, resignation, failure to elect, or other cause, such appointees to hold office until the next annual election.

Nine members shall constitute a quorum of the Executive Council, and a majority vote of those in attendance shall control its decisions.

5. The Executive Committee shall have full power to act for the Executive Council when the Executive Council is not in session.

6. The Executive Council shall elect a Chairman who shall preside at its meetings in the absence of the President, and who shall also be Chairman of the Executive Committee.

ARTICLE VI.

Meetings.

The Society shall meet annually at a time and place to be determined by the Executive Council for the election of officers and the transaction of such other business as the Council may determine.

Special meetings may be held at any time and place on the call of the Executive Council or at the written request of thirty members on the call of the Secretary. At least ten days' notice of such special meeting shall be given to each member of the Society by mail, specifying the object of the meeting, and no other business shall be considered at such meeting.

Twenty-five members shall constitute a quorum at all regular and special meetings of the Society and a majority vote of those present and voting shall control its decisions.

ARTICLE VII.

Resolutions.

All resolutions which shall be offered at any meeting of the Society shall, in the discretion of the presiding officer, or on the demand of three members, be referred to the appropriate committee or the Council, and no vote shall be taken until a report shall have been made thereon.

ARTICLE VIII.

Amendments.

This Constitution may be amended at any annual or special meeting of the Society by a majority vote of the members present and voting. But all amendments to be proposed at any meeting shall first be referred to the Executive Council for consideration and shall be submitted to the members of the Society at least ten days before such meeting.

AMENDMENTS.

ARTICLE I.³

Article IV is hereby amended by inserting after the words "The officers of the Society shall consist of a President," the words "an Honorary President."

³This amendment was adopted at the business meeting held April 24, 1909.